

City Council Agenda

Council President
Steve Brandau

Councilmembers

Oliver L. Baines III – Acting President
Lee Brand
Paul Caprioglio

Clinton J. Olivier
Sal Quintero
Blong Xiong

City Manager
Bruce Rudd

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 6, 2014

1:00 P.M. ROLL CALL

Invocation by Reverend Phil Skei, Pastor of the On Ramps Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of P.R.I.D.E Team Certificates for the Winter Quarter (*Reception immediately following – 2nd floor foyer*)

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A

countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of January 30, 2014

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. * **RESOLUTION** – 4th amendment to the Fiscal Year 2014 Salary Resolution No. 2013-101 adding the classification of Law Office Assistant – Personnel Services Department

Action Taken:

- B. * **RESOLUTION** - 33rd amendment to the Annual Appropriations Resolution (AAR) No. 2013-98 appropriating \$480,000 to fund City-wide licensing for Microsoft migration from Windows XP to Windows 7 and future versions **(Requires 5 affirmative votes)** – Information Services Department

Action Taken:

- C. Approve second amendment to license agreement with Crown Castle GT Company LLC and the City of Fresno to extend the contract term five (5) years to March 31, 2023, for placement of Cellular Tower Equipment at Fire Station 13 - Fire Department

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

D. **Actions pertaining to the State Homeland Security Grant Program – Fire Department**

1. Approve application for and acceptance of grant award for \$95,100 from the State Homeland Security Grant Program, through the County of Fresno, and authorize the Fire Chief to complete all required documents

Action Taken:

2. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2012 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “State Homeland Security Grant Program” funding, through the County of Fresno, and authorizing completion of all required documents

Action Taken:

3. * **RESOLUTION** - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$95,100 from the State Homeland Security Grant Program grant to the Fire Department to provide equipment **(Requires 5 affirmative votes)**

Action Taken:

E. **Approve the reappointments of Paul Bauer, Fely Guzman, Tommie Nellon and Jose Plascencia to the Fresno Regional Workforce Investment Board – Mayor’s Office**

Action Taken:

F. * **BILL NO. B-5 – (Intro. 1/30/2014) (For adoption)** - Amending the Fresno Municipal Code (FMC) Section 3-277 to exempt future employees in Unit 14, represented by the City of Fresno Management Employees Association (CFMEA) from provisions regarding Reduction In Force/Layoff Rights – Personnel Services Department

Action Taken:

G. * **BILL NO. B-6 – (Intro. 1/30/2014) (For adoption)** - Amending Subsections (c and d) of Section 7-903 and Subsection (b) of Section 7-910 of the Fresno Municipal Code relating to write off and settlement authority – City Manager’s Office

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

A. **RESOLUTION** - Supporting the Leadership Fresno Class 30 Monument Sign proposal – City Manager’s Office

Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

B. **Actions pertaining to the Fresno Yosemite International Airport SMART Program
(Property located in District 4) – Airports Department**

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301 (a) (d) / Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the acoustic treatment of 70 homes in the vicinity of Fresno Yosemite International Airport

Action Taken:

2. Award a construction contract in the amount of \$1,125,126 to Maxwell Smart Construction, Inc. of Clovis, California for the acoustic treatment of 70 homes in the vicinity of Fresno Yosemite International Airport

Action Taken:

C. * **RESOLUTION - 30th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 to appropriate \$25,000 in Pacific Gas & Electric 811 Dig-In Safety Awareness Campaign funds for the purchase of campaign materials and reimbursement of City administration costs incurred for the campaign in fiscal year 2014 (Requires 5 affirmative votes) - Public Works Department**

Action Taken:

D. **Approve a professional services agreement with Cornerstone Structural Engineering in the amount of \$1,800,000 for on-call design plan check review services for City infrastructure associated with the construction of the California High-Speed Rail and authorize the Public Works Director or designee to execute the agreement on behalf of the City - Public Works Department**

Action Taken:

3. **CITY COUNCIL**

A. **BILL – (For introduction) - Adding Section 12-1271 to Chapter 12, Article 17 of the Fresno Municipal Code relating to signs – Councilmember Brand**

Action Taken:

4. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**

City Negotiator(s): Jeffrey Cardell, Ken Phillips

Employee Organization(s):

1. City of Fresno Management Employees Association (CFMEA)
2. City of Fresno Professional Employees Association (CFPEA)
3. IUOE, Stationary Engineers, Local 39 (L39)
4. Fresno City Employees Association (FCEA)
5. Fresno Police Officers Association (FPOA Basic)
6. International Association of Firefighters, Local 753 (Fire Basic)
7. Amalgamated Transit Union, Local 1027 (ATU)
8. International Brotherhood of Electrical Workers, Local 100 (IBEW)
9. Fresno Police Officers Association (FPOA Management)
10. International Association of Firefighters, Local 753 (Fire Mgmt)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

B. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (d)(4)**

1. City of Fresno v. State of California re: Senate Bill 7 -- Charter City Prevailing Wage Law

Action Taken:

C. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957**

Title: City Attorney

Action Taken:

D. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**

City Negotiator(s): Council President Brandau

Unrepresented Employee: City Attorney

Action Taken:

E. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957**

Title: City Clerk

Action Taken:

F. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**

City Negotiator(s): Council President Brandau

Unrepresented Employee: City Clerk

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

2:15 P.M. **WORKSHOP** relating to Downtown Parking Improvement Proposal - Ace Parking Management, Inc. – Council President Brandau

2:30 P.M. Adopt City of Fresno Design Guidelines for the California High Speed Rail Project (*Property located in Districts 1, 2 & 3*) – Public Works Department
Action Taken:

2:45 P.M. **JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION**

- A. **RESOLUTION** – Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (***Council and Successor Agency action***) – City Clerk's Office
Action Taken:

ADJOURN JOINT MEETING

2:50 P.M. **SCHEDULED COMMUNICATION –**

1. Appearance by Rick Morse to discuss the future of marijuana in the City of Fresno

5:00 P.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-13-03, Rezone Application No. R-13-09 and Environmental Assessment No. A-13-03/R-13-09/C-13-086, filed by Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises pertaining to approximately 9.99 acres of property located on the northeast corner of E. Nees and N. Chestnut Avenues (2610 E Nees. Avenue APN: 403-070-53) (***Property located in District 6***) – Development and Resource Management Department
Action Taken:

- a. Consider the environmental finding of Environmental Assessment (EA) No. A-13-003/R-13-009/C-13-086, a finding of a Mitigated Negative Declaration dated November 22, 2013
Action Taken:
- b. **RESOLUTION** – Approving Plan Amendment Application No. A-13-003 to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium-high density residential land use designation
Action Taken:

- c. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to reclassify the subject property from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district
Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb. 27 – 10:00 A.M. **HEARING** re: Plan Amendment Nos. A-13-004 and A-13-005, Rezone Application Nos. R-13-11 and R-13-12, filed by Brent McCaffrey
Feb. 27 – 10:10 A.M. **HEARING** re: Plan Amendment No. A-13-006, Rezone Application No. R-13-013, filed by Brent McCaffrey
Feb. 27 – 10:30 A.M. **WORKSHOP** regarding recycling
Mar. 27 - 10:00 A.M. **CONTINUED PUBLIC HEARING** to consider increasing water connection fees (**Citywide**) – Department of Public Utilities
Mar. 27 - 10:30 A.M. **HEARING** to consider Final Tract Map No. 6044 annexed to CFD No. 11

UPCOMING EMPLOYEE CEREMONIES

Apr. 9 - (Weds) 2:00 p.m. Presentation of Employee Service Awards (**Reception immediately following – 2nd floor foyer**)
Apr. 24 - 8:30 a.m. Employee of the Spring Quarter (**Reception immediately following – 2nd floor foyer**)
July 31 - 8:30 a.m. Employee of the Summer Quarter (**Reception immediately following – 2nd floor foyer**)
Oct. 2 - 8:30 a.m. Employee of the Fall Quarter (**Reception immediately following – 2nd floor foyer**)
Oct. 22 - (Weds) 2:00 p.m. Presentation of Employee Service Awards (**Reception immediately following – 2nd floor foyer**)